



April 18, 2006

House Agriculture Committee
Lansing, Michigan

Re: Opposition to SB 777 – Local pre-emption of regulating genetically engineered seeds

Dear Committee members,

The Michigan Environmental Council opposes Senate Bill 777 and we urge you to oppose this bill. This bill would strip cities, counties, and townships of their ability to regulate seeds in an effort to preempt any local regulation of genetically engineered (GE) seed.

We believe this bill is bad policy for the following reasons:

- Genetically engineered crops pose risks to public health and the environment, including the risk of allergic reactions,¹ the creation of superweeds,² and the contamination of neighboring crops.³
- It is inappropriate to preempt the ability for local governments to regulate GE crops when State and Federal regulations are inadequate. Specifically:
 - Despite allergenicity and other health risks, the Food and Drug Administration does not require pre-market safety testing or labeling of genetically engineered foods, and does not approve the safety of GE food. In 2000, more than 300 products were recalled from grocery store shelves across the country, costing the food industry and farmers a billion dollars, because they were contaminated with a genetically engineered corn known as StarLink.⁴ Because of risk of allergic reaction, StarLink was not approved for human consumption, but somehow had contaminated the food supply. StarLink was not detected by the FDA, but rather by non-profit organizations.
 - The U.S. Department of Agriculture (USDA) requires no specific safety tests for the approval of GE crops, leaving the testing procedures to the industry it oversees. The National Academy of Sciences criticized this process as often lacking scientific rigor.⁵ The inadequate oversight of field trials and separation of experimental genetically engineered crops from food crops has led to several instances of contamination. In 2001, genetically engineered corn was found growing in a remote region of Mexico despite a government moratorium on commercial planting of genetically engineered crops.⁶
- Contamination by genetically engineered crops poses significant threats to family farmers. For example, farmers specializing in organic crops could lose their organic certification and their niche market if their crops are contaminated by nearby genetically engineered fields.
- Farmers are held liable when their crops are contaminated by genetically engineered crops. In 1997, Percy Schmeiser, a farmer of canola for more than 40 years, discovered the canola seed he had been saving and breeding for decades was contaminated by genetically engineered canola being grown on a nearby field. Instead of getting compensated for the damage done to his seed stock, he was sued by Monsanto, the seed manufacturer, for growing their patented crop without a license.⁷ Monsanto has filed 90 lawsuits against American farmers, and its team of lawyers has awarded the company \$15,253,602.82 from those farmers, mostly through settlement.⁸
- Contamination of any food crops by experimental crops, including “biopharmaceuticals”—food crops genetically engineered to produce prescription drugs and industrial chemicals, pose additional concerns. Field trials of soybeans or corn genetically engineered to produce blood clotting agents or

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contraceptives are being grown across the country, and there already have been more than 750 open air field test sites of experimental crops in Michigan alone.⁹ In 2002, an experimental biopharmaceutical crop contaminated 500,000 bushels of soybeans in Nebraska that were destined for human consumption, and all of the soybeans had to be destroyed.¹⁰

Genetically engineered crops pose legitimate concerns, and current regulations have not caught up to the complexities and risks of the technology. It is reasonable to think that an area of our state specializing in organic farming, such as the thumb area of Michigan, which has the most organic acres in the state, may want to create stronger local regulations to protect their organic farms from contamination. It is reasonable to think that parts of the state growing corn for Kelloggs would want to prohibit biopharmaceuticals from being grown in that county, to make sure we don't end up with contraceptives in our cornflakes.

There have been no attempts to regulate genetically engineered crops in Michigan to date, so there is no need to prevent local regulations of these crops before our state fully evaluates this issue. Rather than passing hasty measures to stop local regulation of these crops, our state should study this controversial issue and make a thoughtful decision based on the facts. We urge you to hold off on SB 777 and instead create a workgroup to examine this issue.

Sincerely,

Kate Madigan, Deputy Policy Director

1 Michael Hansen, Ph.D., "Science-based Approaches to Assessing Allergenicity of New Proteins in Genetically Engineered Foods," Presentation to FDA Food Biotechnology Subcommittee, Food Advisory Committee, 14 August 2002. Available at: <http://www.consumersunion.org/food/gef802.htm>

2 Andrew Pollack, "Widely Used Crop Herbicide Is Losing Weed Resistance," New York Times, 14 January 2003. Available at: <http://query.nytimes.com/gst/fullpage.html?sec=health&res=9406E3DB1231F937A25752C0A9659C8B63> and Ben Harder, "Modified Crops Could Lead to 'Superweeds,' Study Suggests," National Geographic News, 16 August 2001. Available at: http://news.nationalgeographic.com/news/2001/08/0816_geneticplants.html

3 David Quist and Ignacio H. Chapela, "Transgenic DNA introgressed into traditional maize landraces in Oaxaca, Mexico," Nature, 29 November 2001.

4 Marc Kaufman, "Biotech Critics Cite Unapproved Corn in Taco Shells," Washington Post, 18 September 2000. Available at: <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&contentId=A24834-2000Sep17¬Found=true>

5 National Academy of Sciences, "Environmental Effects of Transgenic Plants: The Scope and Adequacy of Regulation," 21 February 2002. Available at: http://www.nap.edu/catalog/10258.html?onpi_newsdoc022102. Press release available at: <http://www4.nationalacademies.org/news.nsf/isbn/0309082633?OpenDocument>.

6 Quist and Ignacio H. Chapela, "Transgenic DNA introgressed into traditional maize landraces in Oaxaca, Mexico," Nature, 29 November 2001.

7 Bernard Simon, "Monsanto Wins Patent Case on Plant Genes," New York Times, 22 May 2004. Available at: <http://query.nytimes.com/gst/fullpage.html?sec=health&res=9A01E5DA1F3FF931A15756C0A9629C8B63>. CBC News Online, "In Depth: Genetic Modification—Percy Schmeiser's battle," 21 May 2004. Available at: http://www.cbc.ca/news/background/genetics_modification/percyschmeiser.html

8 Andrew Kimbrell and Joseph Mendelson, "Monsanto vs. U.S. Farmers," A report by the Center for Food Safety, 2005. Available at: <http://www.centerforfoodsafety.org/Monsantovsusfarmersreport.cfm>

9 Richard Caplan, "Raising Risk: Field Testing of Genetically Engineered Crops in the United States," U.S. PIRG Education Fund, April 2005. Available at: <http://uspirg.org/uspirgnewsroom.asp?id2=16713&id3=USPIRGnewsroom&>

10 Andrew Pollack, "U.S. Investigating Biotech Contamination Case," New York Times, 13 November 2002. Available at: <http://query.nytimes.com/gst/fullpage.html?sec=health&res=9B02E7DC1E31F930A25752C1A9649C8B63>.